

STATE OF CALIFORNIA

Energy Resources Conservation  
And Development Commission

***In the Matter of Complaint Against  
ORMAT NEVADA, INC. BROUGHT  
BY CALIFORNIA UNIONS FOR  
RELIABLE ENERGY***

**Docket No. 11-CAI-02**

**Dated: September 6, 2011**

Energy Commission Staff's Assessment  
Of Complaint and Answer

The assigned Committee in this matter issued a "Service of Complaint and Scheduling Order" in this matter on July 21, 2011. The Committee ordered the Commission Staff to prepare a written assessment of the Complaint and Answer, and file and serve said assessment within seven days of service of the Answer. As the Answer was docketed by Ormat Nevada, the Respondent, on August 29, 2011, Staff's assessment is due today.

Staff has reviewed the Verified Complaint dated June 28, 2011 and filed by California Unions for Reliable Energy (CURE) on June 30, 2011. The Complaint contains all of the required information pursuant to title 20, California Code of Regulations section 1231, except for the following two items. The Complaint does not list a telephone number for Ormat Nevada, but Staff believes that omission can be readily remedied. With respect to the declaration under penalty of perjury, it is signed by Elizabeth Klebaner, "attorney of record" for CURE. Section 1231, subdivision (b)(8) states that if the complainant is a corporation or business association, it must be dated, signed and attested to by an officer thereof. CURE's description of itself in the Complaint on page 3 states that it is "a coalition of labor unions." That description does not answer the question as to whether CURE is a corporation or business association and must have an officer sign the perjury declaration. Since the Complaint has been accepted by the Commission and served on Ormat, Staff believes that question should be posed to CURE at the Prehearing Conference and remedied, if necessary, at that time.

Staff has reviewed the Verified Answer of Ormat Nevada, Inc. filed on August 29, 2011. The Answer provides a substantial amount of information that will allow Staff to make a recommendation to the Committee. Staff issued a letter to Ormat Nevada on August 15, 2011, asking Ormat to respond to questions and provide additional information (the "engineering questionnaire"). Staff met with Ormat representatives on September 2, 2011, the same day Ormat's responses were due back to Staff. Staff has more follow up questions for Ormat and expects to receive additional clarification within the week.

Therefore, because Staff is still analyzing the information, Staff does not have a tentative conclusion to present. Staff will file its testimony on September 12, 2011 as required by the Committee's Notice of Prehearing Conference and Evidentiary Hearing, dated August 19, 2011.

Dated: September 6, 2011

Respectfully submitted,

/s/ Jeffery Ogata

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JEFFERY OGATA  
Assistant Chief Counsel  
California Energy Commission  
1516 9<sup>th</sup> Street  
Sacramento, CA 95817  
Ph: (916) 654-5195  
E-mail: [jogata@energy.state.ca.us](mailto:jogata@energy.state.ca.us)



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
COMMISSION OF THE STATE OF CALIFORNIA  
1516 NINTH STREET, SACRAMENTO, CA 95814  
1-800-822-6228 – WWW.ENERGY.CA.GOV

**IN THE MATTER OF COMPLAINT AGAINST  
ORMAT NEVADA, INC. BROUGHT BY  
CALIFORNIA UNIONS FOR RELIABLE ENERGY**

**Docket No. 11-CAI-02**  
**(Revised 8/19/11)**

RESPONDENT

\*Ormat Nevada, Inc.  
6225 Neil Road  
Reno, NV 89511

COUNSEL FOR RESPONDENT

\*Christopher T. Ellison  
Samantha Pottenger  
Ellison, Schneider and Harris, LLP  
2600 Capitol Avenue, Suite 400  
Sacramento, CA 95816  
[cte@eslawfirm.com](mailto:cte@eslawfirm.com)  
[sgp@eslawfirm.com](mailto:sgp@eslawfirm.com)

COMPLAINANT

California Unions for Reliable Energy  
c/o Adams Broadwell Joseph  
& Cardozo  
Marc D. Joseph  
Tanya A. Gulesserian  
Elizabeth Klebaner  
601 Gateway Boulevard, Suite 1000  
South San Francisco, CA 94080  
[mdjoseph@adamsbroadwell.com](mailto:mdjoseph@adamsbroadwell.com)  
[tgulesserian@adamsbroadwell.com](mailto:tgulesserian@adamsbroadwell.com)  
[eklebaner@adamsbroadwell.com](mailto:eklebaner@adamsbroadwell.com)

INTERESTED  
AGENCIES/ENTITIES/PERSONS

Imperial County Planning and  
Development Services  
801 Main Street  
El Centro, CA 92243

Imperial County Air Pollution  
Control District  
150 South 9th Street  
El Centro, CA 92243-2801

Imperial Irrigation District  
333 E. Barioni Boulevard  
Imperial, CA 92251

ENERGY COMMISSION  
DECISIONMAKERS

ROBERT B. WEISENMILLER  
Chair and Associate Member  
[rweisenm@energy.state.ca.us](mailto:rweisenm@energy.state.ca.us)

KAREN DOUGLAS  
Commissioner and Presiding Member  
[kldougla@energy.state.ca.us](mailto:kldougla@energy.state.ca.us)

Kenneth Celli  
Hearing Officer  
[kcelli@energy.state.ca.us](mailto:kcelli@energy.state.ca.us)

ENERGY COMMISSION  
CHIEF COUNSEL

Michael J. Levy  
Chief Counsel  
*e-mail service preferred*  
[mlevy@energy.state.ca.us](mailto:mlevy@energy.state.ca.us)

ENERGY COMMISSION STAFF

\*Bob Worl  
Project Manager  
[rworl@energy.state.ca.us](mailto:rworl@energy.state.ca.us)

\*Jeff Ogata  
Assistant Chief Counsel  
[jogata@energy.state.ca.us](mailto:jogata@energy.state.ca.us)

ENERGY COMMISSION  
PUBLIC ADVISER

Jennifer Jennings  
Public Adviser  
*e-mail service preferred*  
[\\*publicadviser@energy.state.ca.us](mailto:*publicadviser@energy.state.ca.us)

### DECLARATION OF SERVICE

I, Rhea Moyer, declare that on, September 6, 2011, I served and filed copies of the attached Energy Commission Staff's Assessment of Complaint and Answer, dated September 6, 2011. The original document, filed with the Docket Unit or the Chief Counsel, as required by the applicable regulation, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at:

[<http://www.energy.ca.gov/proceedings/11-cai-02/index.html>]

The document has been sent to the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit or Chief Counsel, as appropriate, in the following manner:

*(Check all that Apply)*

For service to all other parties:

- ☒ Served electronically to all e-mail addresses on the Proof of Service list;
- ☒ Served by delivering on this date, either personally, or for mailing with the U.S. Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses **NOT** marked "email service preferred."

**AND**

For filing with the Docket Unit at the Energy Commission:

- ☒ by sending an original paper copy and one electronic copy, mailed with the U.S. Postal Service with first class postage thereon fully prepaid and e-mailed respectively, to the address below (preferred method);

**OR**

- ☐ by depositing an original and 12 paper copies in the mail with the U.S. Postal Service with first class postage thereon fully prepaid, as follows:

**CALIFORNIA ENERGY COMMISSION – DOCKET UNIT**

Attn: Docket No. 11-CAI-02  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512  
[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

***OR, if filing a Petition for Reconsideration of Decision or Order pursuant to Title 20, § 1720:***

- ☐ Served by delivering on this date one electronic copy by e-mail, and an original paper copy to the Chief Counsel at the following address, either personally, or for mailing with the U.S. Postal Service with first class postage thereon fully prepaid:

California Energy Commission  
Michael J. Levy, Chief Counsel  
1516 Ninth Street MS-14  
Sacramento, CA 95814  
[mlevy@energy.state.ca.us](mailto:mlevy@energy.state.ca.us)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.

/s/ Rhea Moyer

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Rhea Moyer